

**Before the State of South Carolina
Department of Insurance**

In the matter of:

The Manufacturers Life Ins. Co. (USA)

500 North Woodward Avenue
Bloomfield Hills, Michigan 48304.

SCDI File Number 103116

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and The Manufacturers Life Insurance Company (USA) ("Manufacturers Life"), an insurer licensed to transact insurance business within the State of South Carolina.

Manufacturers Life hereby admits, and I find as fact, that it failed to timely file its June 1, 2000 Quarterly (annual adjusted) Tax Return Installment. This insurer previously also had failed to timely file a previous installment with the Department, for which it was given a first offense warning letter. Manufacturers Life has alleged that these actions were completely unintentional. However, they are a direct violation of S.C. Code Ann. § 38-7-60 (3) (Supp. 2000) and can ultimately lead to the revocation of the insurer's certificate of authority pursuant to S.C. Code Ann. §§ 38-7-60 (4) and 38-5-120 (A) (2) (Supp. 2000) to transact the business of insurance within the State of South Carolina, following a public hearing before the Administrative Law Judge Division.

Prior to the initiation of formal administrative disciplinary proceedings by the Department against it, Manufacturers Life and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. That consensual recommendation was that, in lieu of the Department's filing of a petition to revoke its certificate of authority to transact business as an insurer within the State of South Carolina, Manufacturers Life would waive its right to a public hearing and would immediately submit an administrative penalty in the total amount of \$1,000.

S.C. Code Ann. § 38-7-60(3) (Supp. 2000) in pertinent part states "[t]he premium and other taxes imposed on insurers pursuant to Sections 38-7-20, 38-7-30, 38-7-40, 38-7-50, and 38-7-90 must be paid to the Director or his designee in quarterly installments on or before March first, June first, September first, and December first of each calendar year."

After a thorough review of the matter, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law that Manufacturers Life did violate S.C. Code Ann. § 38-7-60(3) (Supp. 2000). Although I can now revoke the insurer's certificate of authority, I hereby impose an administrative penalty in the

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GENERAL COUNSEL

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STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

 The Manufacturers Life
Insurance Company (USA)

amount of \$1,000 against Manufacturers Life pursuant to the discretion provided to me by the State of South Carolina General Assembly in S.C. Code Ann. §§ 38-5-130 and 38-2-10 (Supp. 2000).

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and in consideration of Manufacturers Life's assurance that it will timely file each of its future tax returns with the Department. This penalty includes all expenses related to investigation of this matter as provided in Section 38-13-70 of the South Carolina Code. The parties expressly agree and understand Manufacturers Life's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of one of its officers or authorized representatives upon this consent order, Manufacturers Life acknowledges that it understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that The Manufacturers Life Insurance Company (USA) shall, pay through the Department an administrative penalty in the total amount of \$1,000, previous receipt of which is hereby acknowledged.

It is further ordered that a copy of this consent order shall be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

This consent order becomes effective on the date of my signature below.

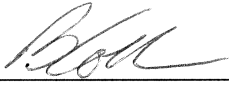
31 July, 2001, at
Columbia, South Carolina



Ernst N. Csiszar
Director

 The Manufacturers Life
Insurance Company (USA)

I CONSENT:



Signature of Authorized Representative

BRIAN COLLINS

Name

VP w/ Taxation

Title
The Manufacturers Life Insurance Company (USA)
500 North Woodward Avenue
Bloomfield Hills, Michigan 48304

Dated this 18 day of July, 2001